

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STAFF NURSES UNION,
UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL NO. 141,

Plaintiff,

v.

PROVIDENCE HEALTH SYSTEM, d/b/a,
PROVIDENCE CENTRALIA HOSPITAL,

Defendant.

Case No. C07-5487 RJB

ORDER ON
DEFENDANT'S MOTION
FOR CONTINUANCE
PURSUANT TO CR 56(f)

This matter comes before the court on the defendant's motion for a continuance pursuant to CR 56(f). Dkt. 17. The court has considered the motion and the remainder of the file herein.

PROCEDURAL AND FACTUAL BACKGROUND

On November 12, 2006, the plaintiff filed a grievance alleging that the defendant failed to properly compensate her for certain hours of work in violation of a collective bargaining agreement (CBA), Article 9.3.1. Dkt. 1, Exhibit B. The grievance was allegedly processed through steps one through three of the grievance process and was not resolved. *See* Dkt. 1, Exhibit A at 19.1; *see also* Dkt. 16. The plaintiff alleges that on May 30, 2007, she sought to arbitrate the dispute. Dkt. 15 at 2. The defendant allegedly refused to submit the grievance to arbitration. *Id.*

On April 1, 2008, the plaintiff filed a motion for summary judgment under Fed.R.Civ.P. 56(e). *Id.* The plaintiff alleges a breach of a collective bargaining agreement, and contends that pursuant to Article 19

1 of the CBA, the parties should submit to arbitration. *Id.* The motion was noted for consideration on April
2 25, 2008. On April 21, the defendant filed a response to the plaintiff's motion. Dkt. 17. The defendant
3 also requested a continuance, pursuant to CR 56(f), so that the defendant may conduct discovery until 30
4 days after the close of discovery on June 2, 2008. Dkt. 17 at 2; *see also* Dkt. 14.

5 DISCUSSION

6 The defendant contends that information obtained in discovery "will rebut the Union's premise for
7 its summary judgment motion." Dkt. 17 at 4. However, after considering the motion, response, and the
8 file herein, the court finds that the plaintiff's motion for summary judgment is not premature and the
9 defendant is not entitled to a continuance of the plaintiff's motion for summary judgment. The issue in this
10 case is whether the parties shall be compelled to submit this matter for arbitration. *See* Dkt. 1. The
11 defendant has not shown how a continuance until 30 days after the close of discovery will raise issues of
12 fact on this limited issue.

13 Therefore, it is hereby

14 **ORDERED** that the defendant's Motion for Continuance pursuant to 56(f) (Dkt. 17) is **DENIED**.
15 The defendant may file a response addressing the merits of the plaintiff's motion for summary judgment by
16 May 2, 2008. The plaintiff's motion for summary judgment is renoted for May 9, 2008.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
18 party appearing *pro se* at said party's last known address.

19 DATED this 23rd day of April, 2008.

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21 ROBERT J. BRYAN
22 United States District Judge
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